

AO 91 (Rev. 11/11) Criminal Complaint

FILED
 United States District Court
 Albuquerque, New Mexico

Mitchell R. Elfers
 Clerk of Court

UNITED STATES DISTRICT COURT

for the

District of New Mexico



United States of America

v.

TYLER MILES LEVEQUE

(Year of birth 1987)

Case No. **25mj17**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 2 - 4, 2025 in the county of Bernallilo in the
 District of New Mexico, the defendant(s) violated:

Code Section

18 U.S.C. § 875(c)

Offense Description

Interstate Threatening Communications

This criminal complaint is based on these facts:
 See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Ron Emmot, U.S. Secret Service

Printed name and title

Sworn telephonically to me and signed electronically.

Date: 1/8/2025City and state: Albuquerque, New Mexico
Judge's signature

Hon. Steven C. Yarbrough, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT ARREST WARRANT**

Your affiant, Ron Emmot, a Special Agent with the United States Secret Service, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is in support of an application for a complaint and warrant for the arrest of TYLER MILES LEVEQUE who is in violation of 18 U.S.C. § 875(c).

2. On June 19, 2000, your affiant became employed as a Special Agent with the United States Secret Service (USSS) and attended the Criminal Investigator Training Program (CITP) at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia and the U.S. Secret Service's Special Agent Training Course (SAITC) at the James J. Rawley Training Center (JJRTC) in Beltsville, Maryland. I was trained in federal criminal investigations, protective intelligence investigations, financial crime, and counterfeiting investigations along with dignitary protection and various other criminal justice topics. I am currently assigned as the Resident Agent in Charge of the Albuquerque Resident Office (RO) of the USSS and have been assigned to the Albuquerque RO since December 2023. Previous assignments include locations in Missouri, Kansas, Texas, and Hawaii where your affiant has investigated numerous violations of federal code.

3. Prior to my employment as a Special Agent with the USSS I was employed as a Police Officer with the Salina, Kansas Police Department from 1991 – 2000. As a Police Officer I investigated numerous criminal offenses in violation of Kansas State Statutes and local city ordinances.

PROBABLE CAUSE

4. This affidavit is in support of an application for a complaint and warrant for the arrest of TYLER MILES LEVEQUE.

5. The facts in this affidavit come from your affiant's personal observations, training, experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

6. Based upon the statements contained in this affidavit, I have probable cause to believe that TYLER MILES LEVEQUE made social media posts threatening to kill President-Elect Donald J. Trump on January 3, 2025, in violation of 18 U.S.C. § 875(c).

7. On January 4, 2025, your affiant learned a subject, identified as TYLER MILES LEVEQUE made threats on the social media platform "X" (formerly "Twitter"), towards President-Elect Trump with the following language:

- On January 3, 2025, user "TYLER LEVEQUE" using the handle @leveque_tyler tagged President-Elect Trump's profile and wrote the following: "@realDonaldTrump I got my eyes on you sir! Cant wait for your Victory rally! The 19th right!? Lol you and your rich friends are dead no threat a promise"
- On January 3, 2025, user "TYLER LEVEQUE" using the handle @leveque_tyler wrote: "Hey @celebrities @ceos @elonmusk @DonaldTrump @Joemarafa its too late for yall shouldve shut down tik tok a long time ago see u on the 19th for war!"
- On January 3, 2025, user "TYLER LEVEQUE" using the handle @leveque_tyler wrote in response to a January 2, 2025, post from @realDonaldTrump with only the word "Die".

8. On January 6, 2025, your affiant along with Special Agent Frank Mosca, Federal Bureau of Investigation Albuquerque, FBI Task Force Officer Marie Sullivan, and members of the Albuquerque Police Department's Crisis Intervention Team Unit contacted TYLER MILES LEVEQUE at his residence in Albuquerque, New Mexico. LEVEQUE agreed to speak with your affiant regarding the threatening posts. LEVEQUE admitted to making the threatening posts and re-confirmed the posts were his when shown paper copies of the threatening posts in addition to his account information. LEVEQUE advised that he believes this is freedom of speech. LEVEQUE stated that he made the posts because he is frustrated with the government.

9. On January 6, 2025, during LEVEQUE's consensual interview, LEVEQUE also admitted to purchasing a firearm online from a local Albuquerque, New Mexico business. This admission confirmed the following social media posts where, in part, LEVEQUE indicated the purchase of a firearm. LEVEQUE, using the Facebook name "tycodancer", wrote the following on January 4, 2025:

- "Just bought my first gun bitches!"
- "Hey world hey America hey trump hey ceos get rich we are hunting you down! Hahaha I'm getting ready myself! Here we come it ends now"
- "The 19th we march the sts to our state offices and demand change they are threatening shutting down the power grid on us! Fuck them! If ur there see ya! If not! U disappoint me and wish u the best I more than likely will die or be thrown in jail but unlike u all I am fighting for what's right!"

10. Your affiant confirmed that LEVEQUE did, in fact, recently purchase a firearm from a local Albuquerque business. Your affiant obtained documentation reflecting the purchase

and learned the firearm was purchased on January 4, 2025. LEVEQUE had not scheduled a date to pick up the firearm since it had not yet arrived at the Albuquerque business.

11. Additional investigation revealed a TikTok video posted by LEVEQUE using the handle “tycodancer” on January 2, 2025. In the video, LEVEQUE made statements indicating his disdain for several people and groups of people, including Elon Musk, “CEOs” and President-Elect Trump. LEVEQUE stated these people should be “fucking scared” and that he didn’t care if he (LEVEQUE) died. He stated that his willingness to die is what should frighten them the most. LEVEQUE ended the video with, “Run, run”, which was stated as a taunt.

12. An additional video was posted on TikTok on January 3, 2025, by LEVEQUE (“@tycodancer”). In this video, LEVEQUE made several statements in a manner indicating he is despondent, distraught, and frustrated.

13. Your affiant is aware that President-Elect Trump has announced that he will hold a rally in Washington, D.C., on January 19, 2025, ahead of his inauguration which is scheduled for January 20, 2025. Based on my training and experience, LEVEQUE’s repeated references to “the 19th” refer to President-Elect Trump’s rally scheduled for that date.

14. Your affiant submits that the interstate nexus element is established for this offense because the headquarters for both X and Facebook are located outside the state of New Mexico. Further, by tagging “@realDonaldTrump” in several of his posts, the communications traveled to recipients outside the state of New Mexico.

15. In summary, in reviewing the statements made by LEVEQUE, as well as the context of the statements,¹ your affiant has probable cause to believe that LEVEQUE made

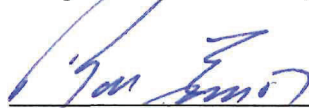
¹ *United States v. Wheeler*, 776 F.3d 736, 743 (10th Cir. 2015) (noting that both the language of the communication and the context in which the statements are made are relevant in determining whether it amounts to a true threat); *see also United States v. Miah*, 120 F.4th 99, 108 (3d Cir. 2024) (holding it proper to look at a defendant’s conduct to contextualize the meaning of online statements).

statements that constitute true threats, and therefore fall outside the protection of the First Amendment. Taken together, LEVEQUE's statement that on January 19, 2025 President-Elect Trump would be "dead," his statement that this was not a threat but a promise, his statement exhorting President-Elect Trump to "die," his statement regarding his contemporaneous purchase of a firearm, his statement indicating he "more than likely will die or be thrown in jail," and his expressed willingness to die, all indicate that LEVEQUE intended to communicate serious expressions of an intent to commit an act of violence.

CONCLUSION

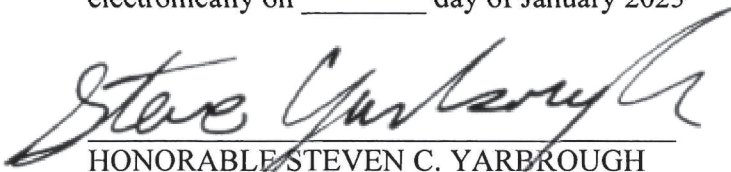
16. Your affiant submits that this affidavit supports probable cause for a Complaint charging TYLER MILES LEVEQUE with a violation of 18 U.S.C. § 875(c), Interstate Threatening Communications.

Respectfully submitted,



Ron Emmot
Special Agent
United States Secret Service

SUBSCRIBED electronically and SWORN to me
electronically on 8th day of January 2025



HONORABLE STEVEN C. YARBROUGH
United States Magistrate Judge